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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,289	10/17/2001	Rodney P. Ehrlich	739/37925/31	7844

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Trexler, Bushnell, Giangiorgi
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36th Floor
105 West Adams Street
Chicago, IL 60603

EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,289

Applicant(s)

EHRlich, RODNEY P.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-18,20-25,27,28,30,31,34-39,41-45 and 47-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-25,27,28,30,31,34-39,41-45 and 47-73 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 15 is/are rejected.
- 7) ☒ Claim(s) 8,10-13 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,596,403 to Carr in view of USPN 3,627,366 to Cerutti. Carr discloses a container door construction for use with a trailer, the door having an upper end and a lower end, the container door comprising:

a plurality of sleeves (36) mounted on the door of the trailer, the sleeves having an upper end and a lower end, the sleeves extending along the door such that an upper end of the sleeves are proximate the upper end of the door and a lower end of the sleeves are proximate a lower end of the door; a lock rods (35) are disposed generally in the sleeves, the lock rods being sandwiched between a respective sleeve and the door; a handle assembly (47) connected to the lock rods and external to the sleeve, said handle assembly hanging below the door (Fig. 1); the handle assembly having structure thereon configured to engage corresponding structure (57) on the trailer, thereby locking the door in place, the handle assembly configured for actuation to rotate the lock rods, thereby selectively locking and unlocking the door. However, Carr does not disclose that the plurality of sleeves are continuous as claimed, instead the sleeves are spaced at predetermined load bearing positions along the length of the door.

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Cerutti teaches a door closure device configured for use with a trailer comprising, a sleeve (10) mounted on the door (1, 2) of the trailer and sandwiching a lock-rod (7) there-between; end caps (11, 12) are disposed at each end of the sleeve; a cam structure (5, 6) is provided at the ends of the lock rod; and a thrust bearing (15) is disposed between the end cap and the cam structure.

Cerutti further teaches that the sleeve is continuous and extends the entire length of the lock-rod (col. lines 63-66) serving to protect the entire length of the lock-rod during operational movement and also reinforces and adds rigidity to a respective door. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the container door of Carr to incorporate the closing device as taught by Cerutti to provide a safeguard container door having continuous sleeve members serving to protect the entire length of lock-rods to ensure proper operation of the lock-rods and at the same time add reinforcement and rigidity to a respective door.

As to claims 3 and 7, as seen in Fig. 3 of Cerutti, the sleeve is of a U-shape construction with depending flanges or rails that include fastening apertures to mount the sleeve to the door, which extends the length of the door as seen in Fig. 1. Further, in Fig. 1, the handle assembly includes a tongue or a central horizontal extending rib, which is received by opposing receiving clamps attached to the trailer to maintain the handle in place.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Cerutti and further in view of USPN 4,660,872 to Carson et al, and in further view of USPN 3,451,705 to Turpen. Carr in view of Cerutti discloses the use of a thrust bearing (15) disposed between the end caps and the handle assembly but Carr in view of Cerutti does not disclose that the bearings are split bearings made of high-density polyethylene. Carson et al teaches a latch mechanism including polyethylene thrust bearings (26, 126) providing self-lubricating properties and Turpen shows a split bearing assembly (22) that is easily changeable. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the container door construction of Carr to include the combination of features taught by Carson et al and Turpen to provide a thrust bearing for a door closure device providing a smooth self lubricating buffer that is easily changeable.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Cerutti in further view of USPN 4,082,330 to McWhorter. Carr in view of Cerutti discloses all the limitations of the above claims except Cerutti does not disclose that the tongue member is generally T-shaped or that the corresponding structure has a T-shaped opening or slot.

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McWhorter teaches a door lock assembly comprising a handle assembly having a handle (12) and a T-shaped tongue structure (19) configured to engage a corresponding T-shaped slot (21) mounted on respective doors (13) to firmly and securely locks the handle. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the container door construction of Carr to include the door lock assembly of McWhorter to provide a handle assembly having compatible shaped parts to firmly and securely lock the parts in union.

Allowable Subject Matter

Claims 20-25, 27, 28, 30, 31, 34-39, 41-45 and 47-73 are allowed over the prior art of record.

Claims 8, 10-13 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment on July 22, 2004 have been fully considered but they are not persuasive. In response to applicant's amendment to claim 1 and applicant's corresponding remarks on pages 22-23 of the above amendment, #3,596,403 to Carr has been cited and is used in combination with Cerutti to meet the limitations of amended claim 1 which more clearly define the structural relationship between the prior art and applicant's claimed invention, more so than Cerutti alone.

As to applicant's remarks on page 21 with respect to independent claim 38, these arguments are found to be persuasive and claim 38 is allowed over the prior art of record. Accordingly, claims 1, 3, 4, 7 and 15 are found to be unpatentable over Carr in view of Cerutti. Claims 5 and 6 are unpatentable over Carr in view of Cerutti in further view of Carson et al and further in view of Turpen. Claim 9 is unpatentable over Carr in view of Cerutti and further in view of McWhorter. Claims 8, 10-13 and 16-18 are objected to and claims 20-25, 27, 28, 30, 31, 34-39, 41-45 and 47-73 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276.

The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ

A handwritten signature in black ink, appearing to read 'Robert J. Sandy', with a long, sweeping horizontal line extending to the right.

ROBERT J. SANDY
PRIMARY EXAMINER